

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
October 8, 2014**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, October 8, 2014 at 9:00 a.m. in the City Council Chambers, 2nd floor of City Hall, Tyler, Texas, with the following present:

Mayor:	Martin Heines
Mayor Pro Tem:	Darryl Bowdre (absent)
Councilmembers:	Mark Whatley
	Sam Mezayek
	Edward Moore
	John Nix
	Don Warren
Interim City Manager:	Susan Guthrie
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Airport Manager:	Davis Dickson
Director for Innovation:	Guillermo Garcia
Managing Director for Administration:	ReNissa Wade
Manager for Organizational Development:	Kristi Boyett
Chief Financial Officer:	Keidric Trimble
City Engineer:	Carter Delleney
City Fire Chief:	Tim Johnson
Managing Director for Public Safety & Police Chief:	Gary Swindle
Director of Parks and Recreation:	Stephanie Rollings
Director of Solid Waste:	Russ Jackson
Senior Public Relations Specialist:	Serena Butcher
Director of Planning:	Heather Nick
Managing Director for Utilities/Public Works and Utilities:	Greg Morgan
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Moore.

MINUTES

Motion by Councilmember Mezayek to approve the September 24, 2014 minutes;
seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 New Hires Recognitions

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The following employees were hired by the City of Tyler during the month of September, 2014. We would like to take this opportunity to welcome these new employees.

New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Jerry	Foley	Airport Technician I	Airport
Kyle	Dykes	Project Engineer	Engineering
Carmen	Webster	Deputy Court Clerk	Municipal Court
Jonathan	Daille	Deputy Marshal II	Municipal Court
Ellioth	Sanchez-Arevalo	Groundskeeper	Parks & Maintenance
Erik	Bird	Planner	Planning & Zoning
Peter	Mendolia	Police Courier	Police
Brandon	Anderson	PS Telecommunicator II	Police
Danielle	Gruenwald	Secretary	Police
Antonio	Ojeda	Utilities Construction Inspector	Tyler Water Utilities
Steve	Cryer	Westside Plant Operator II	Waste Treatment
Ryan	Powell	Laborer	Wastewater Collection

PRESENTATIONS

P-1 Request that the City Council receive a presentation on amendments to Chapters 10 and 17 of the City Code of Ordinances pertaining to the operation of mobile food vending units on private property and within public rights-of-way.

Heather Nick, Director of Planning – Stated that the Tyler 1st Comprehensive Plan and the Industry Growth Initiative both support efforts to increase the City's tourism sector, foster creative trades, and promote small business startups. Responses to the 2012 Citizen Survey indicate that Tyler's citizens desire more restaurants and diversity in food options in and around the downtown area, an improved entertainment sector, and more arts and cultural amenities. Tyler is also home to more than 20,000 post-secondary students who are likely to support and place a market demand on creative entertainment options such as food truck parks and related activities. City staff has received many inquiries from citizens regarding the ability to allow for mobile food vending units and food truck parks, prompting staff to review relevant codes and rules.

On June 25, 2013, the Unified Development Code (UDC) Review Committee formed a Food Truck Subcommittee tasked with researching mobile food vending units and food truck parks and proposing any desired amendments for consideration based on best practices. Subcommittee membership included an architect, land planner, two local restaurateurs, Northeast Texas Public Health District staff and City staff including the Planning Director, Parks Director, and Deputy City Attorney.

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Currently, the City of Tyler only allows mobile food vendors to operate on private property in conjunction with either an approved Temporary Use Permit (TUP) or a Parks and Recreation Department event permit. Chapter 17, which governs “stopping, standing or parking” within public rights-of-way, does not address mobile food vending and, therefore, would prohibit such activity.

The subcommittee proposal was presented to the UDC Review Committee and Developers Roundtable after reaching general consensus. Some key highlights of the proposal include:

- Adding “Minor/Major Food Truck Park” as a primary use within commercial and industrial zoning districts
- Separate standards for “Minor” (2-4 mobile food vending units) and “Major” (5 or more mobile food vending units) food truck parks
- Allow mobile food vending units to operate on private property under a Transient Vendor Permit (one per location at a time unless they are located at an approved Food Truck Park)
- Permit and inspection requirements for mobile food vending units
- Operational requirements for mobile food vending units
- Site design standards for Food Truck Parks
- Pilot program for street vending in the following locations on streets 30 MPH and less (with conditions):
 - Active construction sites
 - Midtown District
 - University Woods District (adjacent to commercially-zoned and institutional uses)
 - Texas College District
 - Abutting “DBAC”, Downtown, Business, Arts and Culture District zoned property (between 10 p.m. and 2 a.m. only)
 - Abutting a city park (on curb abutting park) during park hours

Nick Pencos, 525 S. Beckham – Stated that he recommended what had come out of the Subcommittee and spoke in favor of the food trucks.

Councilmember Whatley – Asked if the food trucks would be allowed in residential areas.

Heather Nick, Planning Director – Stated that there is one exception related to food trucks being allowed at public parks, because public parks can be residentially zoned. This may be an area where the Subcommittee can further evaluate whether it’s more appropriate to allow food trucks at only certain parks.

Mayor Heines – Inquired if a food truck is allowed at a street location, is it also required to be at least 300 feet away from a bricks and mortar food establishment. Mayor Heines also inquired whether a property owner has any control over where a food truck can locate on the street.

Heather Nick, Planning Director - The proposal is to limit the location of food trucks on streets or in the right of way so that the trucks are more than the distance requirements

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away from brick and mortar food establishments. Heather Nick stated that staff will refine the areas on the map around the colleges.

Various City Councilmembers expressed concerns regarding the possible restriction of visibility corridors and the unavailability of restroom facilities if food trucks are allowed to locate on streets, and the ability of food trucks to locate within residentially zoned areas. The Food Truck Subcommittee was asked to review the need for specific defined areas within each of the proposed districts where food trucks may locate on streets/right-of-ways.

MISCELLANEOUS

M-1 Request that the City Council consider canceling the Nov. 26, 2014 and Dec. 24, 2014 City Council meetings.

Motion by Councilmember Mezayek; seconded by Councilmember Nix; motion carried 6 - 0 & approved as presented.

M-2 Request that the City Council consider authorizing the Interim City Manager to award the 2014 Runway 4/22 Rehabilitation Project at Tyler Pounds Regional Airport to Reynolds and Kay, Ltd. in an amount not to exceed \$8,625,463.30 and recommend that the Half Cent Sales Tax Board authorize the ten percent local share in the amount of \$862,546.33.

Motion by Councilmember Warren; seconded by Councilmember Moore; motion carried 6 - 0 & approved as presented.

M-3 Request that the City Council consider authorizing the Interim City Manager to award Work Order No. 6 with Wisenbaker, Fix and Associates in an amount not to exceed \$438,000 for Phase One Construction of Runway 4/22 Reconstruction at Tyler Pounds Regional Airport and recommending that the Half Cent Sales Tax Board authorize the ten percent local share in the amount of \$43,800.

Motion by Councilmember Whatley; seconded by Councilmember Mezayek; motion carried 6 - 0 & approved as presented.

CONSENT

(These items are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item.)

C-A-1 Request that the City Council consider adoption of an updated Resolution approving the continued participation in the Texas State DIR (Department of Information Resources) Program and General Services Commission Local Government Purchasing Program and authorizing the Interim City Manager to renew several annual leases for technology equipment including computers,

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software, and telephones from approved vendors previously obtained through this program for FY 2014-2015. (R-2014-23)

- C-A-2** Request that the City Council consider authorizing the Interim City Manager to lease/purchase 16 Watchguard 4RE-64S-GPS-VTY Digital Video Camera Systems for the Police Department motorcycles and four Watchguard 4RE-200-GPS-ZOM In-Car Camera Systems in the amount of \$125,730.
- C-A-3** Request that the City Council consider accepting a Texas Department of Transportation (TXDOT) Routine Airport Maintenance Program (RAMP) Grant totaling \$50,000 for general maintenance programs at Tyler Pounds Regional Airport and adopting an Ordinance amending the FY 2014-2015 Airport Budget to provide the funding for the local share. (O-2014-89)
- C-A-4** Request that the City Council consider adopting an ordinance amending City Code Chapter 17 by temporarily decreasing speed limits on portions of Loop 323 from 50 and 55 miles per hour to 45 miles per hour from Friday, Oct. 10, 2014 through Thursday, Dec. 31, 2015. (O-2014-90)

Motion by Councilmember Whatley; seconded by Councilmember Nix; motion carried 6 - 0 & approved as presented.

INTERIM CITY MANAGER'S REPORT

1. Monthly CIP report update (Cumberland Road ahead of schedule)
2. We have started with the system wide chlorination project with the water system.

RECESS FOR EXECUTIVE SESSION – No executive session needed.

Executive Item No. 1:

Under Tex. Gov't Code Section 551.072 "Real Estate" deliberation regarding the following:

Discuss the purchase, exchange, sale, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City, related to the development of municipal facilities.

Executive Item No. 2:

Under Tex. Gov't Code section 551.087 "Economic Development" deliberation regarding the following:

Possible offer of financial or other incentive to a prospect, and to consider financial and other information about that prospect/project with which the City is conducting economic development negotiations that could lead to a partnership in Tyler.

Any final action to be taken by the City Council will be taken in open session.

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ADJOURNMENT

Motion by Councilmember Mezayek to adjourn the meeting at 10:05 am; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

